

CHAPTER 2024-170

Committee Substitute for Senate Bill No. 998

An act relating to the sale of liquefied petroleum gas; amending s. 527.01, F.S.; providing definitions; amending s. 527.02, F.S.; requiring certain remote bulk storage locations to comply with specified requirements; providing requirements for certain licenses; amending s. 527.0201, F.S.; requiring qualifier examinations to be completed within a specified timeframe; providing eligibility criteria for certain qualifier certification; prohibiting a person from acting as a qualifier for more than one location where certain liquefied petroleum gas activities are performed; providing requirements for qualifiers; prohibiting a person from acting as a master qualifier for more than one license; providing a condition under which the Department of Agriculture and Consumer Services may deny, refuse to renew, suspend, or revoke a qualifier or master qualifier registration; amending s. 527.055, F.S.; authorizing the department to condemn unsafe equipment and issue certain orders requiring the immediate removal of liquefied petroleum gas from certain storage; amending s. 527.0605, F.S.; revising the applicability of specified provisions for bulk storage locations; amending s. 527.067, F.S.; requiring persons servicing, testing, repairing, maintaining, or installing liquefied petroleum gas equipment and systems to include specified information on all work orders, invoices, and similar documents; amending s. 527.07, F.S.; prohibiting unauthorized persons from adding gas to or removing gas from certain containers and receptacles; requiring the department to adopt specified rules; amending s. 527.11, F.S.; revising minimum bulk storage requirements for liquefied petroleum gas licenses; removing an exemption from such requirements; prohibiting dealers from entering into certain agreements; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (19) and (20) are added to section 527.01, Florida Statutes, to read:

527.01 Definitions.—As used in this chapter:

(19) “Licensed location” means the premises on which category I, category II, category III, category IV, category V, or category VI liquefied petroleum gas operations are performed, excluding remote bulk storage.

(20) “Remote bulk storage” means the location of liquefied petroleum gas stored for the sole purpose of filling delivery vehicles used in delivery to an end user.

Section 2. Present subsections (3), (4), and (5) of section 527.02, Florida Statutes, are redesignated as subsections (4), (5), and (6), respectively, a new

subsection (3) is added to that section, and paragraph (d) is added to present subsection (3) of that section, to read:

527.02 License; penalty; fees.—

(3) Each remote bulk storage location of a category I liquefied petroleum gas dealer must comply with the category I liquefied petroleum gas dealer licensing requirements under subsection (2).

~~(4)(3)~~

(d) A category I liquefied petroleum gas dealer license shall include one licensed location and may include up to two remote bulk storage locations. Remote bulk storage locations must be located within a 75-mile radius of the licensed location and included in the category I liquefied petroleum gas dealer license application.

Section 3. Subsections (2), (4), (5), and (7) of section 527.0201, Florida Statutes, are amended to read:

527.0201 Qualifiers; master qualifiers; examinations.—

(2) Application for examination for competency may be made by an individual or by an owner, a partner, or any person employed by the license applicant. The examination for competency must be completed within 90 days after the application has been accepted by the department. Upon successful completion of the competency examination, the department shall register the examinee.

(a) Qualifier registration automatically expires if the individual terminates active employment in the area of examination for a period exceeding 24 months, or fails to provide documentation of continuing education. If the qualifier registration has expired, the individual must apply for and successfully complete an examination by the department in order to reestablish qualifier status.

(b) Every business organization in license category I, category II, or category V shall employ at all times a full-time qualifier who has successfully completed an examination in the corresponding category of the license held by the business organization. In order to apply for certification as a category I or category V qualifier, each applicant must have a minimum of 1 year of verifiable LP gas experience. A person may not act as a qualifier for more than one licensed location where liquefied petroleum gas activities described in s. 527.01(6), (7), or (10) are performed.

(4) A qualifier for a business must actually function in a position with authority to monitor and enforce safety provisions under this chapter at the licensed location ~~supervisory capacity of other company employees performing licensed activities.~~ A separate qualifier shall be required for every 10 ~~such employees performing liquefied petroleum gas activities.~~

(5) In addition to all other licensing requirements, each category I and category V licensee must, at the time of application for licensure, identify to the department one master qualifier who is a full-time employee of the licensee at the licensed location. This person shall be a manager, owner, or otherwise primarily responsible for overseeing the operations of the licensed location and must provide documentation to the department as provided by rule. A person may not act as a master qualifier for more than one license. The master qualifier requirement shall be in addition to the requirements of subsection (1).

(a) In order to apply for certification as a master qualifier, each applicant must have a minimum of 3 years of verifiable LP gas experience or hold a professional certification by an LP gas manufacturer as adopted by department rule immediately preceding submission of the application, must be employed by a licensed category I or category V licensee or an applicant for such license, and must pass a master qualifier competency examination administered by the department or its agent. Master qualifier examinations shall be based on Florida's laws, rules, and adopted codes governing liquefied petroleum gas safety, general industry safety standards, and administrative procedures. The applicant must successfully pass the examination with a grade of 70 percent or above. Each applicant for master qualifier registration must submit to the department a nonrefundable \$30 examination fee before the examination.

(b) Upon successful completion of the master qualifier examination, the department shall issue the examinee a master qualifier registration. A master qualifier may transfer from one licenseholder to another upon becoming employed by the company and providing a written request to the department.

(c) A master qualifier registration expires 3 years after the date of issuance and may be renewed by submission to the department of documentation of completion of at least 16 hours of approved continuing education courses during the 3-year period; proof of employment; and a \$30 certificate renewal fee. The department shall define by rule approved courses of continuing education.

(7) The department may deny, refuse to renew, suspend, or revoke any qualifier or master qualifier registration for any of the following causes:

(a) Violation of any provision of this chapter or any rule or order of the department;

(b) Falsification of records relating to the qualifier or master qualifier registration; ~~or~~

(c) Failure to meet any of the renewal requirements; or

(d) Demonstration of a lack of trustworthiness to engage in activities requiring a qualifier identification card as defined by department rule pursuant to s. 527.02(5).

Section 4. Subsection (5) is added to section 527.055, Florida Statutes, to read:

527.055 General powers and duties.—

(5) The department shall have the powers and authority to condemn unsafe equipment and issue an immediate final order requiring the immediate removal of liquefied petroleum gas from storage that does not comply with this chapter and is deemed a threat to the public health, safety, and welfare.

Section 5. Paragraph (b) of subsection (1) of section 527.0605, Florida Statutes, is amended to read:

527.0605 Liquefied petroleum gas bulk storage locations; jurisdiction.

(1) The provisions of this chapter apply to liquefied petroleum gas bulk storage locations when:

(b) The aggregate container capacity of the bulk storage location is more than 4,000 gallons ~~or more~~; or

Section 6. Present subsections (2) and (3) of section 527.067, Florida Statutes, are redesignated as subsections (3) and (4), respectively, and a new subsection (2) is added to that section, to read:

527.067 Responsibilities of persons engaged in servicing liquefied petroleum gas equipment and systems and consumers, end users, or owners of liquefied petroleum gas equipment or systems.—

(2) All persons engaged in the business of servicing, testing, repairing, maintaining, or installing liquefied petroleum gas equipment and systems shall include on all work orders, invoices, or similar documents the name of the person performing the work and the applicable qualifier number.

Section 7. Section 527.07, Florida Statutes, is amended to read:

527.07 Restriction on use of containers.—

(1) A person, other than the owner and those authorized by the owner, may not sell, fill, refill, remove gas from, deliver, permit to be delivered, or use in any manner any liquefied petroleum gas container or receptacle for any gas or compound, or for any other purpose.

(2) A person, other than those authorized by the end user, may not add gas to or remove gas from any container or receptacle that contains liquefied petroleum gas purchased or contracted for transfer by, and in the lawful

possession of, the end user. The department shall adopt rules to provide exceptions for emergencies.

Section 8. Subsections (1) and (2) of section 527.11, Florida Statutes, are amended to read:

527.11 Minimum storage.—

(1) Every person who engages in the distribution of liquefied petroleum gas for resale to domestic, commercial, or industrial consumers as a prerequisite to obtaining a liquefied petroleum gas license shall install, own, or lease a bulk storage with an aggregate capacity filling plant of not less than 18,000 gallons (water capacity) within the state ~~and shall be located within a 75-mile radius of the licensed company's business location.~~ The This bulk storage filling plant must have loading and unloading provisions solely for the licenseholder and be operated and maintained in compliance with this chapter for the duration of the license.

(2) ~~A dealer in liquefied petroleum gas licensed as of August 31, 2000, who has entered or who enters into a written agreement with a wholesaler that the wholesaler will provide liquefied petroleum gas to the dealer for a period of 12 continuous months is exempt from the requirements of subsection (1), if the wholesaler has at least 18,000 gallons (water capacity) of bulk storage within this state permanently connected for storage, which is used as such for each dealer to whom gas is sold, and if the wholesaler has loading and unloading provisions. Such dealer must provide certification of this agreement on a form provided by the department to the department before her or his license may be issued. The form must be signed by both the wholesaler or his or her agent and the dealer or his or her agent and must be submitted annually with the license renewal application. A dealer who does not provide written proof of minimum storage may have her or his license denied, suspended, or revoked. A dealer or wholesaler may not enter into written agreements that allocate an amount of storage that exceeds the dealer's or wholesaler's total storage capacity minus 18,000 gallons (water capacity).~~

Section 9. This act shall take effect July 1, 2024.

Approved by the Governor May 10, 2024.

Filed in Office Secretary of State May 10, 2024.